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## STATUTORY INSTRUMENTS

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# 1981 No. 1694

## ROAD TRAFFIC

### The Motor Vehicles (Tests) Regulations 1981

<i>Made</i>	- - - -	<i>25th November 1981</i>
<i>Laid before Parliament</i>		<i>10th December 1981</i>
<i>Coming into Operation</i>		<i>31st December 1981</i>

The Secretary of State for Transport (in these Regulations referred to as “the Secretary of State”) in exercise of the powers conferred by sections 43(1), (2) and (6) and 44(4), (6) and (7) of the Road Traffic Act 1972 and now vested in him<sup>(1)</sup> and of all enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of the said Act of 1972, hereby makes the following Regulations:—

#### PART I **E+W+S**

##### GENERAL

##### Commencement and citation **E+W+S**

1. These Regulations shall come into operation on 31st December 1981 and may be cited as the Motor Vehicles (Tests) Regulations 1981.

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##### Commencement Information

**I1** Reg. 1 in force at 31.12.1981, see reg. 1

##### Revocation **E+W+S**

2. The Regulations specified in Schedule 4 are hereby revoked.

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##### Commencement Information

**I2** Reg. 2 in force at 31.12.1981, see reg. 1

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(1) So far as 1972 c.20 is concerned, by S.I. 1979/571 and 1981/238.

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## Interpretation **E+W+S**

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the 1972 Act” means the Road Traffic Act 1972;

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

[<sup>F1</sup>“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986];

[<sup>F2</sup>“the Lighting Regulations” means “the Road Vehicles Lighting Regulations 1989];

[<sup>F3</sup>“agricultural motor vehicle”], “articulated bus”, “articulated vehicle”, “dual-purpose vehicle”, [<sup>F4</sup> “Ministry plate;”] “pedestrian controlled vehicle”, “track laying” and “works truck” have the meanings given by Regulation 3(1) of the Construction and Use Regulations;

“authorisation” means any authorisation in writing by the Secretary of State of an individual, persons in partnership, or a company to carry out examinations of such classes of motor vehicles as may be specified therein;

“company” means a body corporate;

[<sup>F5</sup>“Community Recording Equipment Regulation” has the meaning given in section 85 of the Road Traffic Act 1988;]

[<sup>F6</sup>“design gross weight” means—

- (a) in the case of a vehicle equipped with a Ministry plate, the weight shown thereon as the design weight, or, if no weight is so shown thereon, the weight shown thereon as the weight not to be exceeded in Great Britain;
- (b) in the case of a vehicle which is not equipped with a Ministry plate, but which is equipped with a plate in accordance with regulation 66 of the Construction and Use Regulations, the maximum gross weight shown on the plate in respect of item 7 of Part I of Schedule 8 to those Regulations; and
- (c) in any other case, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;]

“designated council” means any council designated by the Secretary of State for the purposes of section 43 being the council of a county, of a district or London Borough or (in Scotland) of a region or of an islands area, or the Greater London Council or the Common Council of the City of London;

“examination” means an examination of a motor vehicle for the purposes of section 43;

“examiner” means an individual, persons in partnership, or a company authorised by the Secretary of State in accordance with these Regulations to carry out examinations;

“firm” has the meaning given by section 4 of the Partnership Act 1890;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, including a living van but excluding—

- (i) [<sup>F7</sup>a dual-purpose vehicle,
- (ii) a motor caravan, and
- (iii) a play bus,]

“goods vehicle testing station” means a station at which a goods vehicle test (as defined in section 45(2)) may be carried out;

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“large passenger-carrying vehicle” means a motor vehicle which is constructed or adapted to carry more than twelve seated passengers in addition to the driver, and which is not a public service vehicle;

“light motor bicycle” means a motor bicycle of which the cylinder capacity of the engine does not exceed 200 cubic centimetres;

“light motor vehicle” means a motor vehicle with three<sup>F8</sup>... wheels the unladen weight of which does not exceed 450 kilograms;

“living van” means a vehicle, whether mechanically propelled or not, which is used as living accommodation by one or more persons, and which is also used for the carriage of goods or burden which are not needed by such one or more persons for the purpose of their residence in the vehicle;

“Ministry Inspector” means any certifying officer or public service vehicle examiner appointed under section 56(1) and any examiner appointed under section 7 of the 1981 Act;

“motor bicycle” means a two wheeled motor cycle, whether having a sidecar attached to it or not;

“motor caravan” means a motor vehicle (not being a living van) which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“normal working week” means—

- (a) in relation to an examiner, the times of the week which in the application of that examiner to the Secretary of State for an authorisation are specified as the times of the week during which that examiner will accept vehicles for examination or such other times of the week as may subsequently be substituted for times so specified by the examiner with the consent of the Secretary of State;
- (b) in relation to a designated council, the times of the week notified to the Secretary of State by that council as the times of the week during which they will accept vehicles for examination; and
- (c) in relation to the Secretary of State, the times of the week during which at any vehicle testing station of the Secretary of State he will accept vehicles for examination;

[<sup>F9</sup>“play bus” means a motor vehicle which was originally constructed to carry more than 12 passengers but which has been adapted primarily for the carriage of playthings for children (including articles required in connection with the use of those things);]

“public service vehicle” has the meaning given by section 1(1)(a) of the 1981 Act;

“the prescribed statutory requirements” has the meaning given by Regulation 4(2);

“serial number”, in relation to a vehicle the chassis of which has not been constructed separately from its superstructure, means the number given to, and for the purpose of identifying, the vehicle by its manufacturer;

“traffic area” means a traffic area constituted as mentioned in section 80(1) of the 1981 Act and “office” in relation to such an area means any office provided for the use of the traffic commissioners for that area; and

“vehicle testing station” means premises at which the Secretary of State has authorised an examiner to carry out examinations or premises provided by a designated council or the Secretary of State for carrying out examinations.

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered section is a reference to the section bearing that number in the 1972 Act;

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- (b) a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations, and
- (c) a numbered paragraph is a reference to the paragraph bearing that number in the Regulations in which the reference appears.

(3) For the purposes of these Regulations the unladen weight of a vehicle shall be computed in accordance with Schedule 6 to the Vehicles (Excise) Act 1971.

(4) In calculating for the purposes of the definition of “large passenger carrying vehicle” the number of seated passengers which the vehicle is constructed or adapted to carry a length of at least 400 millimetres measured horizontally along the front of each seat shall be allowed for the accommodation of each such passenger. Where a continuous seat is fitted with arms for the purpose of separating the seating spaces and the arms are so constructed that they can be folded back or otherwise put out of use, the seat shall be measured for the purposes of this paragraph as though it were not fitted with arms.

(5) For the purposes of these Regulations the provisions of [F10Regulation 3(3)] of the Construction and Use Regulations shall apply for determining when a motor vehicle is first used.

**Textual Amendments**

- F1** Words in reg. 3(1) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **3(a)(i)**
- F2** Words in reg. 3(1) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **3(a)(ii)**
- F3** Words in reg. 3(1) inserted (1.3.1985) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 1985 \(S.I. 1985/45\)](#), regs. 1, **3**
- F4** Words in reg. 3(1) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **3(a)(iii)**
- F5** Words in reg. 3(1) inserted (1.8.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1991 \(S.I. 1991/1525\)](#), regs. 1(b), **3**
- F6** Words in reg. 3(1) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **3(a)(iv)**
- F7** Words in reg. 3(1) substituted (1.11.1983) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1983 \(S.I. 1983/1434\)](#), regs. 1, **3**
- F8** Words in reg. 3(1) omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1991 \(S.I. 1991/1525\)](#), regs. 1(a), **8**
- F9** Words in reg. 3(1) inserted (1.12.1982) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1982 \(S.I. 1982/1477\)](#), regs. 1, **3**
- F10** Words in reg. 3(5) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **3(b)**

**Commencement Information**

- I3** Reg. 3 in force at 31.12.1981, see [reg. 1](#)

**The prescribed statutory requirements** E+W+S

4.—<sup>F11</sup>(1) .....

[F12(2) The prescribed statutory requirements for the purposes of section 45(1) of the Road Traffic Act 1988 are in relation to any vehicle in a Class specified in an item in column 2 of the Table the requirements specified in that item in column 3 of the Table, and in these Regulations those requirements are referred to as “the prescribed statutory requirements”.

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TABLE

(1) Item	(2) Class	(3) Requirements
1	I and II	Paragraph 1 of Schedule 2
2	III	Paragraph 2 of Schedule 2
3	IV	Paragraph 3 of Schedule 2
4	V	Paragraph 4 of Schedule 2
5	VI	Paragraph 5 of Schedule 2
6	VII	Paragraph 6 of Schedule 2]

(3) Subject to the provisions of these Regulations, every vehicle to which these Regulations apply and which is submitted for examination in accordance with the provisions of these Regulations shall be examined for the purpose of ascertaining whether those of the prescribed statutory requirements which are applicable to the vehicle have been complied with at the date of the examination.

<sup>F13</sup>(4) .....

**Textual Amendments**

- F11** Reg. 4(1) omitted (18.3.1991) by virtue of *The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991* (S.I. 1991/253), regs. 1(b), **4(a)**
- F12** Reg. 4(2) substituted (1.1.1992) by *The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991* (S.I. 1991/2229), regs. 1(1)(a), **9**
- F13** Reg. 4(4) omitted (18.3.1991) by virtue of *The Motor Vehicles (Tests) (Amendment) (No. 1) Regulations 1991* (S.I. 1991/253), regs. 1(b), **4(c)**

**Commencement Information**

- I4** Reg. 4 in force at 31.12.1981, see [reg. 1](#)

**Classification of Vehicles and Application of Regulations** E+W+S

5.—(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows:—

- |                             |   |
|-----------------------------|---|
| Class I:                    | Light motor bicycles  |
| [ <sup>F14</sup> Class II:  | motor bicycles]   |
| [ <sup>F14</sup> Class III: | Light motor vehicles other than motor bicycles ]  |
| Class IV:                   | Motor cars and heavy motor cars not being vehicles within [ <sup>F15</sup> Classes 111, V, VI or VII]   |
| Class V:                    | [ <sup>F16</sup> (a) [ <sup>F16</sup> (a) Large passenger-carrying vehicles,<br>(b) Public service vehicles which are—<br>(i) of a type specified in paragraph (3), and<br>(ii) constructed or adapted to carry more than 12 seated passengers,<br>and<br>(c) Play buses] |

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Class VI:	Public service vehicles other than those of a type specified in paragraph (3)
[ <sup>F17</sup> Class VII:	Goods vehicles of which the design gross weight is more than 3000 kilograms but does not exceed 3500 kilograms]

and (except where otherwise provided in these Regulations) any reference in these Regulations to a class of vehicles shall be construed accordingly.

(2) Save as provided in Regulation 6, these Regulations apply to every vehicle of a class specified in paragraph (1).

(3) The public service vehicles mentioned in paragraph (1) as included in Class V are public service vehicles [<sup>F18</sup>which may lawfully be used on a road in the absence of a certificate of initial fitness by virtue of —]

- (a) [<sup>F19</sup>section 23(7) of the Transport Act 1985] (a bus being used to provide a community bus service), or
- (b) section 46 of the 1981 Act (a school bus belonging to a local education authority and being used to provide free school transport and carrying as fare-paying passengers persons other than those for whom the free school transport is provided, and a school bus being used, when it is not being used to provide free school transport, to provide a local bus service).

[<sup>F20</sup>or (c) section 21(2) of the Transport Act 1985 (a small bus operating under a permit granted under section 19 of that Act).]

#### Textual Amendments

- F14** Words in reg. 5(1) substituted (15.7.1982) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1982 \(S.I. 1982/814\)](#), regs. 1, **3**
- F15** Words in reg. 5(1) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **5(a)**
- F16** Words in reg. 5(1) substituted (30.8.1984) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1984 \(S.I. 1984/1126\)](#), regs. 1, **3(a)**
- F17** Words in reg. 5(1) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **5(b)**
- F18** Words in reg. 5(3) substituted (30.8.1984) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1984 \(S.I. 1984/1126\)](#), regs. 1, **3(b)**
- F19** Words in reg. 5(3)(a) substituted (20.10.1986) by [The Transport Act 1985 \(Commencement No. 6\) Order 1986 \(S.I. 1986/1794\)](#), reg. 6
- F20** Reg. 5(3)(c) and word added (14.7.1987) by [The Transport Act 1985 \(Commencement No.7\) Order 1987 \(S.I. 1987/1228\)](#), **reg. 3**

#### Commencement Information

- I5** Reg. 5 in force at 31.12.1981, see [reg. 1](#)

#### Exemptions **E+W+S**

**6.—(1)** Pursuant to section 44(4) the Secretary of State hereby prescribes the following vehicles as those to which section 44 does not apply:—

- (i) a heavy locomotive,
- (ii) a light locomotive,
- (iii) a motor tractor,
- (iv) a track laying vehicle,

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- [<sup>F21</sup>(v) a goods vehicle, the design gross weight of which exceeds 3500 kilograms;]
- (vi) an articulated vehicle not being an articulated bus,
  - (vii) a vehicle exempt from duty under section 7(1) of the Vehicles (Excise) Act 1971,
  - (viii) a works truck,
  - (ix) a pedestrian controlled vehicle,
  - (x) a vehicle (including a cycle with an attachment for propelling it by mechanical power) which is adapted, and used or kept on a road, for invalids, and which—
    - (i) does not exceed 306 kilograms in weight unladen, or
    - (ii) exceeds 306 kilograms but does not exceed 510 kilograms in weight unladen, and are supplied and maintained by or on behalf of the Department of Health and Social Security, the Scottish Office or the Welsh Office;
  - (xi) a vehicle temporarily in Great Britain displaying a registration mark mentioned in Regulation 5 of the Motor Vehicles (International Circulation) Regulations 1971, a period of twelve months not having elapsed since the vehicle was last brought into Great Britain;
  - (xii) a vehicle proceeding to a port for export;
  - (xiii) a vehicle in the service of a visiting force or of a headquarters (within the meaning given by Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965).
  - (xiv) a vehicle provided for police purposes and maintained in workshops approved by the Secretary of State as suitable for such maintenance, being a vehicle provided in England and Wales by a police authority or the Receiver for the Metropolitan Police District, or, in Scotland, by a police authority or a joint police committee;
  - (xv) a vehicle which has been imported into Great Britain and to which section 44(2)(b) applies, being a vehicle owned by or in the service of the naval, military or air forces of Her Majesty raised in the United Kingdom and used for naval, military or air force purposes;
  - (xvi) a vehicle in respect of which a test certificate issued in accordance with Article 34 of the Road Traffic (Northern Ireland) Order 1981 is in force or which are licensed under the Vehicles (Excise) Act (Northern Ireland) 1972;
- [<sup>F22</sup>(xvii) an electrically propelled goods vehicle the design gross weight of which does not exceed 3500 kilograms;]<sup>F23</sup> ...
- (xviii) subject to the provisions of paragraph (4), a hackney carriage or a cab in respect of which there is in force a licence under—
    - (a) section 6 of the Metropolitan Public Carriage Act 1869, or
    - (b) the Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision,to ply for hire;
  - (xix) subject to the provisions of paragraph (4), a private hire car in respect of which there is in force a licence granted by a local authority, or, in Scotland, by a local authority or a police authority.
- [<sup>F24</sup>(xx) an agricultural motor vehicle.]
- [<sup>F25</sup>(xxi) a motor vehicle constructed and not merely adapted for the purpose of street cleansing or the collection or disposal of refuse or the collection or disposal of the contents of gullies and which is either—
- (a) a three wheeled vehicle, or
  - (b) a vehicle which—
    - (i)

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is incapable by reason of its construction of exceeding a speed of 20 miles per hour on the level under its own power, or

(ii)

has an inside track width of less than 810 millimetres;

(xxii) a goods vehicle, the design gross weight of which does not exceed 3500 kilograms and in respect of which a goods vehicle test certificate was issued between 1st February 1990 and 17th March 1991, while that certificate is valid; <sup>F26</sup> ...

(xxiii) before 1st August 1991, a goods vehicle the design gross weight of which does not exceed 3500 kilograms and which is of a class specified in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1988.]

[<sup>F27</sup>(xxiv) a tramcar; and

(xxv) a trolley vehicle which is not an auxiliary trolley vehicle.]

[<sup>F28</sup>(1A) Pursuant to section 44(4) the Secretary of State hereby prescribes until 1st January 1983 public service vehicles adapted to carry more than eight passengers as a class of vehicles to which section 44 does not apply]

(2) Pursuant to section 44(6) the Secretary of State hereby exempts from section 44(1) the use of a vehicle—

(a) (i) for the purpose of submitting it by previous arrangement for, or bringing it away from, an examination, or

(ii) in the course of an examination, for the purpose of taking it to, or bringing it away from, any place where a part of the examination is to be or, as the case may be, has been, carried out, or of carrying out any part of the examination, the person so using it being either—

(A) an examiner, or a Ministry Inspector or an inspector appointed by a designated council, or

(B) a person acting under the personal direction of an examiner, a Ministry Inspector or a designated Council, or

(iii) where a test certificate is refused on an examination—

(A) for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further examination the defects on the ground of which the test certificate was refused; or

(B) for the purpose of delivering it, by towing it, to a place where the vehicle is to be broken up;

(b) for any purpose for which the vehicle is authorised to be used on roads by an order under section 42;

(c) where the vehicle has been imported into Great Britain, for the purpose of its being driven after arrival in Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle;

(d) for the purpose of removing it in pursuance of section 3 of the Refuse Disposal (Amenity) Act 1978, of moving or removing it in pursuance of regulations under section 20 of the Road Traffic Regulation Act 1967 as altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967, or of removing it from a parking place in pursuance of an order under section 31(1) of the Road Traffic Regulation Act 1967, an order relating to a parking place designated under section 35 thereof, or a provision of a designation order having effect by virtue of section 39(2) thereof;



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- (e) where the vehicle has been detained or seized by a police constable, for police purposes connected with such detention or seizure;
- (f) where the vehicle has been removed, detained or seized or condemned as forfeited under any provision of the Customs and Excise Management Act 1979 for any purpose authorised by an officer of Customs and Excise;
- (g) for the purpose of testing it by a motor trader as defined in section 16(8) of the Vehicles (Excise) Act 1971, to whom a trade licence has been issued under that section, during the course of, or after completion of repairs carried out to that vehicle by that motor trader.

(3) Pursuant to section 44(7) the Secretary of State hereby exempts from section 44(1) the use of a vehicle on any island in any area mainly surrounded by water, being an island or area from which motor vehicles, unless constructed for special purposes can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicle:

[<sup>F29</sup>Provided that—

- (a) in relation to a vehicle in any of Classes I to VI,] this Regulation does not apply to any of the following islands, namely, the Isle of Wight, the islands of Arran, Bute, Great Cumbrae, Islay, Lewis, Mainland (Orkney), Mainland (Shetland), Mull, North Uist and Skye [<sup>F30</sup>and
- (b) in relation to a vehicle in Class VII this Regulation does not apply in any of the following islands, namely, the Isle of Wight, the Islands of Lewis, Mainland (Orkney), Mainland (Shetland) and Skye.]

(4) The exemptions specified in paragraph (1)(xviii) and (xix) do not obtain unless the authority which issued the licence holds a certificate issued by the Secretary of State evidencing that he is satisfied that the issue of the licence is subject to the vehicle first passing an annual test relating to the prescribed statutory requirements; and, as from 1st January 1983,

- (a) in the case of a vehicle of a kind mentioned in paragraph (1)(xviii) first used more than one year before the licence there mentioned was issued, or
- (b) in the case of a vehicle of a kind mentioned in paragraph (1)(xix) first used more than three years before the licence there mentioned was issued

the authority which issued the licence also issued to the licensee a certificate recording that on the date on which the certificate was issued that authority was, as a result of a test, satisfied that the prescribed statutory requirements were satisfied.

(5) In this Regulation—

[<sup>F31</sup>“auxiliary trolley vehicle” means a trolley vehicle which is adapted to operate under power provided from a source on board when it is not operating from power transmitted to it from some external source;]

“private hire car” means a motor vehicle which is not a vehicle licensed to ply for hire under the provisions of the Metropolitan Public Carriage Act 1869, Town Police Clauses Act 1847, the Burgh Police (Scotland) Act 1892 or any similar local statutory provision with respect to hackney carriages but which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed to ply for hire under the said provisions; and

“test” means an examination of a vehicle in relation to the prescribed statutory requirements conducted—

- (i) [<sup>F32</sup>by a person appointed to act as an inspector under section 43, or a person authorised as an examiner or acting on his behalf, or]
- (ii) by a person on behalf of a police authority in England or Wales, or
- (iii) by a person on behalf of a police authority or a joint police committee in Scotland.

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### Textual Amendments

- F21** Reg. 6(1)(v) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(1)(a)**
- F22** Reg. 6(1)(xvii) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(1)(b)**
- F23** Word in reg. 6(1) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(1)(c)**
- F24** Reg. 6(1)(xx) added (1.3.1985) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 1985 \(S.I. 1985/45\)](#), regs. 1, **4**
- F25** Reg. 6(1)(xxi)-(xxiii) added (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(1)(c)**
- F26** Word in reg. 6(1) omitted (1.7.1992) by virtue of [Tramcars and Trolley Vehicles \(Modification of Enactments\) Regulations 1992 \(S.I. 1992/1217\)](#), regs. 1, **12(a)**
- F27** Reg. 6(1)(xxiv)(xxv) added (1.7.1992) by [Tramcars and Trolley Vehicles \(Modification of Enactments\) Regulations 1992 \(S.I. 1992/1217\)](#), regs. 1, **12(a)**
- F28** Reg. 6(1A) inserted (15.7.1982) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1982 \(S.I. 1982/814\)](#), regs. 1, **4**
- F29** Words in reg. 6(3) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(2)(a)**
- F30** Words in reg. 6(3) added (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **6(2)(b)**
- F31** Words in reg. 6(5) inserted (1.7.1992) by [Tramcars and Trolley Vehicles \(Modification of Enactments\) Regulations 1992 \(S.I. 1992/1217\)](#), regs. 1, **12(b)**
- F32** Words in reg. 6(5) substituted (1.11.1983) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1983 \(S.I. 1983/1434\)](#), regs. 1, **4**

### Modifications etc. (not altering text)

- C1** [Reg. 6\(1\)](#) modified (1.4.1992) by [The Retention of Registration Marks Regulations 1992 \(S.I. 1992/510\)](#), regs. 1, **12(3)**

### Commencement Information

- I6** Reg. 6 in force at 31.12.1981, see [reg. 1](#)

## PART II **E+W+S**

### AUTHORISED EXAMINERS

#### Applications for authorisations **E+W+S**

- 7.—(1) Applications for authorisations may be made by—
- an individual proposing to carry out examinations otherwise than on behalf of any other person;
  - persons in partnership; or
  - a company.
- (2) Every application shall be made—
- on a form approved by the Secretary of State and signed, where the application is made under paragraph (1)(a), by the individual making the application and, where the application

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is made under paragraph (1)(b) or (c) by a person duly authorized by the firm or company; and

(b) by sending the said form to the Secretary of State at the office of the traffic area in which is situated the place at which the applicant proposes to carry out examinations.

(3) In a case where the applicant proposes to carry out examinations at more than one place the Secretary of State may require as many applications to be made as there are such places.

#### Commencement Information

**I7** Reg. 7 in force at 31.12.1981, see reg. 1

#### Authorisations **E+W+S**

8.—(1) When an application has been made in accordance with Regulation 7 the Secretary of State may, after making such investigations and carrying out such inspections as he may think fit, authorise the individual, persons in partnership or company by whom the application is made to be an examiner for the purpose of carrying out examinations of any class or classes of motor vehicles.

(2) The Secretary of State may at any time, if he so thinks fit, authorise in writing any person to carry out examinations notwithstanding that the requirements of Regulation 7 have not been complied with.

#### Commencement Information

**I8** Reg. 8 in force at 31.12.1981, see reg. 1

#### Conditions to be complied with by authorised examiners **E+W+S**

9.—(1) Subject to the provisions of these Regulations, every examiner shall comply with such conditions, if any, as may be specified in the authorisation of that examiner and also with the following conditions—

- (a) the examiner shall carry out in accordance with these Regulations examinations of motor vehicles of any such class as is specified in the authorisation of the examiner and shall in all other respects comply with such of the provisions of these Regulations as apply to the examiner;
- (b) the examiner shall arrange for examinations to be carried out or to be personally supervised, and for test certificates to be signed, by persons who—
  - (i) are competent to act for such a purpose; and
  - (ii) if they are not the examiner or, where the examiner is persons in partnership one of those persons, carry out the examination in a manner which is under the direct control of the examiner:

Provided that no person shall be first authorised to carry out or supervise an examination or sign a test certificate after 1st January 1977 unless he has successfully completed a course of instruction approved for the purpose by the Secretary of State;

- (c) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of that examiner of the names of all persons who are from time to time authorised in pursuance of arrangements made in accordance with sub-paragraph (b) above to carry out or personally supervise examinations at that

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station and in either case to sign test certificates; and every such notice shall be given within seven days after the date of any such authorisation;

- (d) the examiner shall put up and keep exhibited inside the vehicle testing station of that examiner in some conspicuous place so as to be legible to persons submitting vehicles for examination at that station—
  - (i) the authorisation in which that vehicle testing station is specified, and
  - (ii) a list of the names of the persons for the time being authorised to carry out or personally supervise examinations at that station and in either case to sign test certificates;
- (e) the examiner shall put up and keep exhibited outside the vehicle testing station of that examiner in a conspicuous place a sign of the size, colour and type shown in the diagram set out in Part I of Schedule 1 and complying with the conditions specified in Part II of Schedule 1;
- (f) the examiner shall, after not less than three clear days' notice given to that examiner by the Secretary of State, make the vehicle testing station of that examiner and the apparatus at that station with which examinations are carried out available for the purpose of an examination to be carried out by the Secretary of State as a result of an appeal which has been made against the refusal of a test certificate (whether by that or any other authorised examiner or by an inspector appointed by a designated council or the Secretary of State);
- (g) the examiner shall give notice to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station of the examiner—
  - (i) in a case where the examiner is the sole individual named in an authorisation, of his entering into any partnership with a view to carrying on a business which will comprise the carrying out of examinations at that station; and
  - (ii) in a case where the examiner is persons in partnership, of any change in the constitution of the firm,

and such notice shall be given not later than seven days after the occurrence of the entry into partnership or the change in the constitution, as the case may be.

(2) The Secretary of State may give notice to an examiner that in the opinion of the Secretary of State any person should not carry out or supervise examinations, or sign test certificates, and on receipt of that notice the examiner shall arrange that that person shall no longer carry out or supervise examinations or sign test certificates, as the case may require.

#### Commencement Information

**19** Reg. 9 in force at 31.12.1981, see reg. 1

#### Termination of authorisations **E+W+S**

- 10.**—(1) An authorisation of an individual as an examiner terminates if he—
- (a) dies; or
  - (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated; or
  - (c) becomes a patient within the meaning of Part VIII of the Mental Health Act 1959 or, in Scotland, becomes incapable of managing his own affairs.
- (2) An authorisation as an examiner of persons in partnership terminates if the firm is dissolved.
- (3) An authorisation as an examiner of a company terminates if in relation to the company—
- (a) a winding-up order is made;

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- (b) a resolution for voluntary winding-up is passed;
  - (c) a receiver or manager of the body's undertaking is appointed; or
  - (d) the taking of possession, by or on behalf of the holders of any debenture secured by a floating charge, or of any property of the body comprised in or subject to the charge, occurs.
- (4) An examiner may at any time give notice to the Secretary of State stating that after such date as may be specified in the notice that examiner does not propose to continue to act as an examiner under any of the authorisations of that examiner or under such authorisation as may be specified in the notice, and any authorisation to which the said notice relates shall cease to have effect on the date so specified in relation to it.
- (5) The Secretary of State may at any time give to an examiner a notice which states—
- (a) that as from a date specified in the notice such one or more of the authorisations of the examiner as are specified in the notice shall, unless the notice is cancelled before that date, cease;
  - (b) in a case where the date on which the authorisation or authorisations shall cease is less than 28 days from the date of the notice, that the Secretary of State considers it necessary that the notice shall have early effect; and
  - (c) that within 14 days from the date of the notice the examiner (or any person acting on his behalf) may make to the Secretary of State, at an address specified in the notice, written representations to the effect that any authorisation to which that notice relates should not cease or should be restored.
- (6) An authorisation in respect of which a notice is given in accordance with paragraph (5) shall, save as provided in paragraph (5)(a), cease on the date specified in the notice as the date on which the authorisation shall cease.

**Commencement Information**

**I10** Reg. 10 in force at 31.12.1981, see reg. 1

**Forms and documents to be returned to Secretary of State** **E+W+S**

**11.**—(1) If an authorisation of an examiner or the designation of a Council ceases to have effect, the former examiner or, if appropriate, his authorised representative, or, as the case may be, the Council shall send to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station specified in the authorisation ceasing to have effect or the vehicle testing station of the council such of the following documents as are then in the possession of the examiner or the council—

- (a) all unused forms of test certificates<sup>F33</sup> ... and notices of refusal to issue a test certificate;
- (b) all copies of test certificates and notices of the refusal of test certificates;
- (c) all other records kept in accordance with Regulation 22; and
- (d) in the case of the authorisation of an examiner ceasing to have effect, the document of authorisation:

Provided that where an authorisation of an examiner ceases to have effect but some other authorisation of that examiner continues in force the Secretary of State may consent to the retention by that examiner of all or any of the documents mentioned in sub-paragraphs (a) to (d) above.

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(2) On receipt by the Secretary of State of any unused forms of test certificates sent to him in accordance with paragraph (1) he shall repay to the authorised examiner or the authorised representatives of that examiner, or to the council, as the case may be, such amount as may have been paid to the Secretary of State for the supply of the said forms.

(3) The Secretary of State may in respect of unissued forms of test certificates which are returned to him as having been cancelled because they have been spoilt or defaced make an appropriate refund to the examiner or designated council by whom the forms are so returned.

**Textual Amendments**

**F33** Words in [reg. 11\(1\)\(a\)](#) omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), [regs. 1\(1\)\(c\), 3](#)

**Commencement Information**

**I11** Reg. 11 in force at 31.12.1981, see [reg. 1](#)

**PART III E+W+S**

**EXAMINATIONS**

**F34** .....

**Textual Amendments**

**F34** Pt. 3 Table omitted (31.10.1989) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No.2\) Regulations 1989 \(S.I. 1989/1694\)](#), [regs. 1, 3\(1\)](#)

**Applications for examinations E+W+S**

**12.**—(1) An application for an examination of a vehicle in Class VI under these Regulations shall be made to the Secretary of State [<sup>F35</sup>and, subject to paragraph (1A) below, shall be in writing].

[<sup>F36</sup>(1A) An application for a re-examination of a vehicle in Class VI under these Regulations need not be in writing if the application is made before the expiration of 28 days after the last examination.]

(2) An application for an examination (including a re-examination) of a vehicle in a class other than Class VI under these Regulations shall be made as indicated in the Table below:—

<i>(1)</i> Item No.	<i>(2)</i> Person or body to whom application must be made	<i>(3)</i> Manner in which appointment must be made
1.	An examiner or a designated council.	By arrangement following application made in writing or, during the normal working week, by telephone to, or in person at (whether by submitting the vehicle or not), the vehicle testing station where the applicant desires the vehicle to be examined.
2.	The Secretary of State.	By arrangement following prior application.

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(3) Subject to the following provisions of these Regulations, examiners and designated councils shall ensure that—

- (a) where in accordance with the provisions of paragraph (2) an appointment is requested for the carrying out of an examination by the examiner or, as the case may be, the designated council, an appointment is forthwith offered for the carrying out of the examination at the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (b) where in accordance with the provisions of paragraph (2) a vehicle is submitted for examination by the examiner or, as the case may be, the designated council without any appointment for the carrying out of the examination having been previously made, the applicant is informed either that the examination can be carried out forthwith or, if not, of the earliest time at which it is reasonably practicable for the examination to be carried out during the normal working week;
- (c) except in so far as prevented by circumstances beyond the control of the examiner or council, examinations are carried out in accordance with the appointments made or the information given in pursuance of the preceding provisions of this paragraph or at such other times as may be arranged between the applicant and the examiner or council.

(4) On an appointment being made or a time being arranged for the carrying out of an examination in accordance with paragraph (3) the examiner or the designated council, as the case may be, shall record the hour and the date thereof and the name of the person by whom the application for the examination is made:

Provided that no such record needs to be made in a case where a vehicle is submitted for examination at a vehicle testing station of an examiner or designated council, without any appointment for the carrying out of the examination having been previously made, and the examination is carried out forthwith.

(5) Any examiner and any inspector appointed by a designated council or the Secretary of State may carry out an examination of a motor vehicle in accordance with the provisions of these Regulations notwithstanding that the foregoing provisions of this Regulation have not been complied with.

(6) Nothing in this Regulation shall be taken as entitling an examiner to carry out an examination of a vehicle not being of a type included in the authorisation of the examiner, or as imposing on a designated council or an inspector appointed by such a council any obligation with respect to the carrying out of an examination of a vehicle not being of a type which that council have for the time being notified to the Secretary of State as a type of vehicle which will be examined by inspectors appointed by that council.

#### Textual Amendments

**F35** Words in [reg. 12\(1\)](#) substituted (31.10.1989) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No.2\) Regulations 1989 \(S.I. 1989/1694\)](#), regs. 1, [3\(2\)\(a\)](#)

**F36** [Reg. 12\(1A\)](#) inserted (31.10.1989) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No.2\) Regulations 1989 \(S.I. 1989/1694\)](#), regs. 1, [3\(2\)\(b\)](#)

#### Commencement Information

**I12** Reg. 12 in force at 31.12.1981, see [reg. 1](#)

### Requirements as to vehicles submitted for examinations **E+W+S**

**13.** An examiner and an inspector appointed by a designated council or the Secretary of State shall not be under any obligation to carry out an examination of a motor vehicle where—

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- (a) on the submission of a vehicle for an examination the applicant does not, after being requested to do so, produce the registration book issued under the Road Vehicles (Registration and Licencing) Regulations 1971 relating to the vehicle, or other evidence, acceptable to the examiner, inspector or Secretary of State, of the date of the vehicle's first use or manufacture and the chassis or serial number given to the vehicle by its manufacturer and, if the manufacturer has also given the vehicle an identification number, that number also;
- (b) the vehicle or any part thereof or any of its equipment is so dirty as to make it unreasonably difficult for the examination to be carried out in accordance with the provisions of these Regulations;
- (c) the examiner or inspector is not able with the facilities and apparatus available to him at the place at which the examination would otherwise be carried out to complete the examination without the vehicle being driven and the vehicle is not when submitted for examination, either for want of fuel or oil or for any other reason, fit to be driven to such extent as may be necessary for the purposes of the carrying out of the examination;
- (d) before the carrying out of an examination of a motor vehicle any things which are on the vehicle, and are not part of its equipment or accessories, are required by the examiner or inspector to be removed from the vehicle or to be secured in such manner as he may think necessary and the things are not removed or secured accordingly; <sup>F37</sup> ...
- (e) in a case where the fee for the examination is payable in advance of the examination the examiner, or inspector, or the Secretary of State is not satisfied that the fee payable for the examination has been paid as required by Regulation 20(2)(a) or (b)(i); <sup>F38</sup> and]
- <sup>F39</sup>(f) in the case of a Class VI vehicle—
  - (i) the vehicle is not submitted for examination at the time and date fixed for the examination; or
  - (ii) the driver of the vehicle is requested to remain in it or its vicinity throughout the examination, to drive it, to operate its controls, to remove or refit its panels or to open or close its doors and he declines to do so.]

#### Textual Amendments

- F37** Word in reg. 13 omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **4(a)**
- F38** Word in reg. 13 added (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **4(b)**
- F39** Reg. 13(f) added (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **4(c)**

#### Commencement Information

- I13** Reg. 13 in force at 31.12.1981, see [reg. 1](#)

### Conditions as to responsibility for damage to vehicles and third party liabilities **E+W+S**

**14.**—(1) Where a motor vehicle has been submitted for an examination to be carried out by an examiner or an inspector appointed by a designated council or the Secretary of State, the examiner, designated council or the Secretary of State (as the case may be) shall have the same responsibility for—

- (a) loss of or damage to the vehicle or its equipment or accessories occurring in connection with the carrying out of the examination during any period while the vehicle is, in



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connection with the carrying out of the examination, in the custody of the examiner, council or the Secretary of State, and

- (b) loss of or damage to any other property or personal injury (whether fatal or not), being loss, damage or injury arising out of the use of the vehicle in connection with the carrying out of the examination,

as would rest on a person who, having the same facilities for carrying out the examination as are available to the person who is to carry out the examination, had undertaken for payment to accept the custody of the vehicle and to carry out the same examination under a contract making no express provision with respect to the incidence of liability as between the parties thereto for any such loss, damage or injury.

(2) No person submitting a vehicle for an examination or having an interest in such a vehicle shall be requested or required by an examiner, a designated council or the Secretary of State either directly or indirectly to accept any responsibility for, or to give any release or indemnity in respect of, any loss, damage or injury for which the examiner, council or Secretary of State (as the case may be) are responsible under paragraph (1).

(3) Nothing in paragraph (1) or (2) shall preclude any person from being requested or required to accept any responsibility for, or to give a release or indemnity in respect of—

- (a) loss of or damage to a vehicle or its equipment or accessories occurring during any period while the vehicle is in the custody of an examiner, a designated council or the Secretary of State after the time when the vehicle is required to be removed from such custody in pursuance of the provisions of Regulation 17(1), or
- (b) loss, damage or injury arising out of the carrying out by an examiner, at the request of the person submitting the vehicle for an examination or of a person having an interest in the vehicle, of repairs to the vehicle or of repairs or replacements of its equipment or accessories.

(4) In this Regulation—

- (a) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an examiner, a designated council or the Secretary of State in order that a further examination of that vehicle may be carried out, include references to that further examination, and
- (b) references to a period while a vehicle is in the custody of a designated council or the Secretary of State include references to any period while a vehicle is, in connection with the carrying out of an examination of the vehicle by an inspector appointed by such a council or the Secretary of State, in the control or care of such an inspector.

#### **Commencement Information**

**I14** Reg. 14 in force at 31.12.1981, see [reg. 1](#)

#### **Results of examinations** **E+W+S**

**15.**—(1) Subject to the provisions of these Regulations, examiners and inspectors appointed by a designated council or the Secretary of State shall, after an examination of a motor vehicle is completed and, subject to paragraph (2), on the same date as that on which the examination is completed—

- (a) where it is found on the examination that the prescribed statutory requirements are complied with in relation to the vehicle, issue a test certificate; [<sup>F40</sup>and]

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(b) where it is not so found on the examination, issue a notice of the refusal of a test certificate [<sup>F41</sup>stating the grounds thereof]; <sup>F42</sup> ...

<sup>F43</sup>(c) .....

<sup>F43</sup>(d) .....

(2) Where it is not practicable for a test certificate <sup>F44</sup>... to be issued on the same date as that on which the examination of the vehicle is completed the said certificate <sup>F44</sup>... may be issued within one day following that date, if between the time of the completion of the examination and the time of issue of the test certificate the vehicle has not been moved from the vehicle testing station at which the examination was carried out and the condition of the vehicle has not altered so as to result in the prescribed statutory requirements being no longer complied with in relation thereto, and where it is not practicable for a notice of the refusal of a test certificate <sup>F44</sup>... to be issued on the same date as that on which the examination of the vehicle is completed, the said notice <sup>F44</sup>... may be issued within one day following that date.

(3) Subject to the provisions of these Regulations—

(a) every test certificate shall be on a form supplied by the Secretary of State (marked “VT20” or, if it relates to a Class VI vehicle, “VTP20”) <sup>F45</sup> ...

(b) every notice of the refusal of a test certificate shall be on a form supplied by the Secretary of State (marked “[<sup>F46</sup>VT 30]” or, if it relates to a Class VI vehicle, “VTP30” [<sup>F47</sup>or, if it relates to a Class I or II vehicle, “VT 30M”]) <sup>F48</sup> ...

(4) Every test certificate, [<sup>F49</sup>and] notice of the refusal of a test certificate <sup>F50</sup>... issued in accordance with the provisions of this Regulation and Regulation 16 shall, after the examination has been carried out, be signed—

(a) where the examination is carried out at the premises of an examiner, by the person who carried out the examination;

(b) where the examination is carried out by an inspector appointed by a designated council or the Secretary of State, by that inspector who shall specify the authority by whom he has been appointed as inspector,

and any signature on a test certificate or notice of refusal of a test certificate by a person in accordance with sub-paragraph (a) above or by an inspector appointed by a designated council in accordance with sub-paragraph (b) above shall be accompanied by an embossment by a stamp of the examiner or the council on whose behalf the certificate of notice is signed.

**Textual Amendments**

- F40** Word in reg. 15(1) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(a)(i)**
- F41** Words in reg. 15(1)(b) inserted (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **5(a)**
- F42** Word in reg. 15(1) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(a)(ii)**
- F43** Reg. 15(1)(c)(d) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(a)(iii)**
- F44** Words in reg. 15(2) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(b)**
- F45** Words in reg. 15(3)(a) omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **5(b)(i)**
- F46** Words in reg. 15(3)(b) substituted (8.1.1986) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1985 \(S.I. 1985/1923\)](#), regs. 1, **2(a)** Table (with reg. 3)

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- F47** Words in reg. 15(3)(b) added (8.1.1986) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1985 \(S.I. 1985/1923\)](#), regs. 1, **2(c)** (with reg. 3)
- F48** Words in reg. 15(3)(b) omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **5(b)(ii)**
- F49** Word in reg. 15(4) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(d)(i)**
- F50** Words in reg. 15(4) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **7(d)(ii)**

#### Commencement Information

- I15** Reg. 15 in force at 31.12.1981, see [reg. 1](#)

### Refusal of a test certificate where braking test cannot be carried out **E+W+S**

**16.**—(1) Where in the course of an examination of a vehicle by an examiner or an inspector appointed by a designated council or the Secretary of State it is found that there are such defects in the construction or condition of the vehicle or its equipment or accessories that to carry out a braking test of the vehicle in the manner in which braking tests of such vehicles are carried out at the vehicle testing station at which the examination is being carried out would be likely to cause danger to any person or damage to the vehicle or any other property, the examiner or inspector shall not carry out the braking test but shall complete the rest of the examination in accordance with the provisions of these Regulations.

(2) Where in any such case as is mentioned in paragraph (1) an examiner or inspector does not carry out a braking test of a vehicle, he shall provide the applicant for the test with a notice on a form marked “[<sup>F51</sup>VT 30]” or, if it relates to a Class VI vehicle, “VTP30” [<sup>F52</sup>or, if it relates to a Class I or II vehicle, “VT 30M”], supplied by the Secretary of State and stating—

- (a) that he could not safely carry out the braking test, and the reason therefor, and
- (b) the particulars mentioned in Regulation [<sup>F53</sup>15(3)](b)(ii) and (iii).

(3) In this Regulation “braking test”, means that part of the examination of that vehicle which is required or authorised to be carried out to ascertain whether the braking requirements are complied with.

#### Textual Amendments

- F51** Words in reg. 16(2) substituted (8.1.1986) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1985 \(S.I. 1985/1923\)](#), regs. 1, **2(a)** (with reg. 3)
- F52** Words in reg. 16(2) added (8.1.1986) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1985 \(S.I. 1985/1923\)](#), regs. 1, **2(d)** (with reg. 3)
- F53** Words in reg. 16(2)(b) substituted (8.1.1986) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1985 \(S.I. 1985/1923\)](#), regs. 1, **2(e)** (with reg. 3)

#### Commencement Information

- I16** Reg. 16 in force at 31.12.1981, see [reg. 1](#)

### Removal of vehicles submitted for examination **E+W+S**

**17.**—(1) Where a vehicle has been submitted for an examination at a vehicle testing station of an examiner, a designated council or the Secretary of State, the person by whom the vehicle has been so submitted shall save as may otherwise be permitted by the examiner, designated council or the

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Secretary of State, as the case may be, cause it to be removed from the custody of the examiner, council or the Secretary of State, as the case may be—

- (a) where an appointment or arrangement has been made for the carrying out of the examination on a particular day and the examination has been completed on or before that day, before the end of the second day after that day, or
  - (b) in any other case, before the end of the second day after the day on which the person submitting the vehicle for examination is given notice (whether in writing or not)—
    - (i) that the examination has been carried out, or
    - (ii) in a case where the examination is not carried out by reason of any of the provisions of Regulation 13 that he is to remove the vehicle from such custody.
- (2) In this Regulation—
- (a) references to an examination, in relation to a vehicle which, after the carrying out of an examination, remains in the custody of an examiner, a designated council or the Secretary of State in order that a further examination of that vehicle may be carried out, include references to that further examination, and
  - (b) references to a vehicle as being in the custody of a designated council or the Secretary of State include references to a vehicle which is, in connection with the carrying out of an examination by an inspector appointed by such a council or the Secretary of State, in the control or care of such an inspector.

#### Commencement Information

I17 Reg. 17 in force at 31.12.1981, see [reg. 1](#)

## PART IV E+W+S

### APPEALS

#### Appeal on refusal of a test certificate E+W+S

**18.**—(1) A person to whom a notice of the refusal of a test certificate has been issued may appeal to the Secretary of State and, save as may be otherwise permitted by the Secretary of State, any such appeal shall—

- (a) be on a form approved by the Secretary of State and contain the particulars required by that form;
- (b) be sent to the office of any traffic area within 14 days from the date of the said notice.

(2) As soon as reasonably practicable after the date on which the Secretary of State receives a notice in accordance with paragraph (1) he shall send to the appellant, at his address given on the said notice, a notice stating—

- (a) the place at which the examination for the purposes of the appeal will occur, and
- (b) the time at which that examination will start.

(3) Save as may be otherwise permitted by the Secretary of State, the examination mentioned in paragraph (2) shall not occur unless the applicant, or a person acting on his behalf—

- (a) submits the vehicle in respect of which the appeal is made to the place specified in the notice given by the Secretary of State mentioned in paragraph (2) not later than the time specified in that notice as that at which the examination will start;

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- (b) produces to the person appointed by the Secretary of State to carry out the examination—
  - (i) the notice of the refusal of a test certificate issued as a result of the examination in connection with which the appeal is made, and
  - (ii) the registration document relating to the vehicle or other sufficient evidence of the date of its first registration or date of manufacture; and
- (c) gives to that person such information as he may reasonably require in connection with the carrying out of the examination relating to any alteration made or repairs carried out or any accident or other event occurring, since the date of the said notice, which may have affected the vehicle or its equipment or accessories,

and the said officer shall not be required to carry out the examination unless such notice, registration document or other evidence is produced and such other information is given.

(4) The provisions of Regulations 4(4), 13(b), (c) and (d) and 16 shall apply in relation to an examination for the purposes of an appeal as they apply in relation to other examinations, and as if references therein to—

- (a) an inspector appointed by the Secretary of State were references to the person carrying out the examination for the purposes of the appeal;
- (b) a vehicle testing station were references to the place where the examination for the purposes of the appeal occurs.

(5) When a person completes an examination under the provisions of this Regulation he shall issue to the appellant—

- (a) either
  - (i) a test certificate, or
  - (ii) a notice of the refusal of a test certificate stating the grounds thereof; and

<sup>F54</sup>(b) .....

(6) Test certificates, [<sup>F55</sup>and] notices of the refusal of a test certificate, <sup>F56</sup>... issued under this Regulation—

- (a) shall, subject to such modifications as may be appropriate, be in the same form [<sup>F57</sup>as is appropriate] in the case of a test certificate, [<sup>F58</sup>or a notice of the refusal] of a test certificate <sup>F59</sup>... issued under the provisions of these Regulations by an inspector appointed by the Secretary of State, and
- (b) shall be signed on behalf of the Secretary of State by the officer carrying out the examination for the purposes of the appeal.

(7) The above provisions of this Regulation do not apply where a notification of refusal of a test certificate has been issued following an examination for the purpose of an appeal.

**Textual Amendments**

- F54** Reg. 18(5)(b) and word omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(1)(a)**
- F55** Word in reg. 18(6) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(1)(b)(i)**
- F56** Words in reg. 18(6) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(1)(b)(ii)**
- F57** Words in reg. 18(6)(a) substituted (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **6**

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- F58** Words in reg. 18(6)(a) substituted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(1)(b)(iii)(aa)**
- F59** Words in reg. 18(6)(a) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(1)(b)(iii)(bb)**

#### Commencement Information

- I18** Reg. 18 in force at 31.12.1981, see [reg. 1](#)

### Payments to examiners and designated councils at whose premises examinations on appeals are carried out **E+W+S**

**19.** Where arrangements are made for the carrying out at a vehicle testing station of an examiner or designated council of an examination for the purposes of an appeal under Regulation 18 an amount equal to one half of the amount payable on that appeal shall be payable by the Secretary of State to that examiner or council, as the case may be, in respect of the use of the station and apparatus thereat to be made available under the said arrangements:

Provided that the said amount shall not be payable—

- (a) if the Secretary of State gives the examiner or council not less than one day's notice (whether in writing or otherwise) that the examination is not to take place in accordance with the said arrangements, or
- (b) if the examiner or council, as the case may be, does not make the testing station and the apparatus thereat available to the Secretary of State to his reasonable requirements.

#### Commencement Information

- I19** Reg. 19 in force at 31.12.1981, see [reg. 1](#)

## PART V **E+W+S**

### FEES

#### Fees for examinations **E+W+S**

**20.**—<sup>F60</sup>(1) Subject to the following provisions of this regulation, the fee payable for an examination of a vehicle pursuant to an application made under regulation 12 is—

- (a) in the case of a motor bicycle not having a side car attached to it, £10.00;
- (b) in the case of a vehicle in Class III or a motor bicycle with a side car attached to it, £16.65;
- (c) in the case of a vehicle in Class IV, <sup>F61</sup>£20.00];
- (d) in the case of a vehicle in Class V, £19.30;
- (e) save as provided in paragraph (4), in the case of a vehicle in Class VI—
  - (i) if the vehicle is constructed or adapted to carry more than 12 passengers, <sup>F62</sup>£42.70],
  - (ii) in any other case, <sup>F63</sup>£29.80];
- (f) in the case of a vehicle in Class VII, <sup>F64</sup>£22.60].]

(2) Subject to the following provisions of this Regulation, every fee prescribed by paragraph (1) shall be paid—

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[<sup>F65</sup>(a) if the application is one to which regulation 12(1) applies (not being an application for an re-examination), at the time the application is made;]

[<sup>F66</sup>(b) if the application is one to which Regulation 12(2) applies or, in the case of an application for a re-examination, is one to which Regulation 12(1) and (1A) applies –]

- (i) before the examination is carried out if the Secretary of State or the examiner or designated council by whom the examination is to be carried out so requires; and
- (ii) after the examination is carried out in all other cases.

[<sup>F67</sup>(2A) Where, in the case of a vehicle in Class VI, the date appointed for an examination is, at the request of the applicant, a Saturday, the fee payable for the examination shall be increased by [<sup>F68</sup>£27.50] in the case of a vehicle which is constructed or adapted to carry more than 12 passengers, and [<sup>F68</sup>£20.00] in any other case, such additional amount being payable on or before the date of the appointment.]

(3) Where, on an examination of vehicle other than a vehicle in Class VI, it is found that some or all of the prescribed statutory requirements are not complied with or where, in the circumstances mentioned in Regulation 16, a full examination of the braking system or systems of the vehicle is not carried out, then—

(a) if the vehicle is left at the vehicle testing station at which the examination took place so that the defects which have been revealed can be repaired, no fee shall be payable in respect of any further examination carried out there on the completion of those repairs,

<sup>F69</sup>(b) .....

[<sup>F70</sup>(3A) No fee shall be payable for the re-examination of a vehicle other than in Class VI if—

(a) the vehicle is re-examined at the same vehicle testing station where the vehicle failed the examination before the end of the next day following the examination on which the examiner, designated council or the Secretary of State (as the case may be) will accept vehicles for examination; and

(b) the re-examination relates only to one or more of the following requirements specified in Schedule 2—

(i) audible warning instruments,

(ii) (irection indicators,

[ emissions,]

<sup>F71</sup>(iiA)

(iii) lamps,

(iv) rear retro reflectors,

(v) seat belts, or

(vi) windscreen cleaning.]

[<sup>F72</sup>(4) Where, on an examination of a vehicle of a description specified in column 1 of the Table, it is found that some or all of the prescribed statutory requirements are not complied with, or when in the circumstances mentioned in Regulation 16, a full examination of the braking system or systems of the vehicle is not carried out, then the fee payable in respect of a further examination shall –

(a) in a case where the date appointed for the further examination is, at the request of the applicant a Saturday, be as shown in column 3 of the Table in relation to a vehicle of that description, and

(b) in any other case, be as shown in column 2 of the Table in relation to a vehicle of that description.

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[<sup>F73</sup>TABLE

FEES RELATING TO THE RE-EXAMINATION OF VEHICLES IN CLASS VI

Column 1 Description of Vehicle	Column 2 Normal fee	Column 3 Saturday Fee
Vehicles in Class VI constructed or adapted to carry more than 12 passengers	(a) (a) £21.00, if the vehicle is submitted for a further examination within 14 days of the date of the issue of the notice of refusal of a test certificate, or	(a) (a) £34.75, in the circumstances described in paragraph (a) of the entry in column 2, or
	(b) (b) £42.70, in any other case.	(b) (b) £70.20, in any other case.
Other vehicles in in Class VI	(a) (a) £14.90, if the vehicle is submitted for a further examination within 14 days of the date of the issue of the notice of refusal of a test certificate, or	(a) (a) £24.90, in the circumstances described in paragraph (a) of the entry in column 2, or
	(b) (b) £29.80, in any other case.	(b) (b) £49.80, in any other case.]

[<sup>F74</sup>(5) Save as provided in paragraphs (5A) and (5B), the fees prescribed by paragraphs (1) <sup>F75</sup>... and (4) shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with any such appointment or arrangement as is mentioned in Regulation 12.

(5A) If, in the case of a vehicle not in Class VI, the applicant for the examination has not less than one day before the time so appointed or arranged given the examining authority notice (whether in writing or otherwise) that the applicant does not propose to submit the vehicle for examination at the time so appointed or arranged, the application shall be treated for the purposes of this Regulation as one in respect of which no fee is payable, and any amount previously paid in respect of such a fee shall be repayable by the examining authority to the applicant unless another time is arranged for the carrying out of the examination.

(5B) If, in the case of a vehicle in Class VI, the applicant—

- (a) has not less than 7 days before the day fixed under these Regulations for the carrying out of the examination given the Secretary of State notice (whether in writing or otherwise) at the address from which the notice of the appointment was issued that the applicant does not propose to submit the vehicle for examination on that day, or
- (b) satisfies the Secretary of State that the vehicle cannot, or, as the case may be, could not be submitted for the examination on the day or at the time fixed for the examination because of exceptional circumstances occurring not more than 7 days before the said time and of which the applicant gives notice to the Secretary of State (whether in writing or otherwise) at the said address within 3 days of the occurrence of those circumstances,

then the applicant may either—



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- (i) make an application in writing to the Secretary of State at the said address, either at the time of the notice given under sub-paragraph (a) or (b) of this paragraph or within 28 days of the date thereof, for another examination of the same kind for that vehicle or another vehicle to be carried out within three months of the date of the application, and in that event the said fee shall be treated as having been paid in respect of that application unless the fee in respect of that application is greater, in which case the fee already paid shall be treated as having been paid towards the fee payable in respect of that application, or
- (ii) give notice to Secretary of State at the place mentioned in sub-paragraph (i) above, and at the time of the notice given under sub-paragraph (a) or (b) of this paragraph or within 28 days of the date thereof, that no other examination of the same kind is required for that vehicle or another vehicle, and in that event [<sup>F76</sup>the fee shall be reduced to £1.50 (the balance of any sum paid in respect of the fee being refundable)].]

(6) No fee shall be payable on an application for an examination of any vehicle, not being a vehicle in Class VI, in any case where in pursuance of any of the provisions of Regulation 13 an authorised examiner or the inspector appointed by a designated council or the Secretary of State does not carry out the examination, and any amount previously paid in any such case in respect of such a fee shall be repaid by the examining authority to the applicant.

(7) The fee prescribed in paragraph (4) shall not be payable if—

- [<sup>F77</sup>(a) the vehicle is re-examined before the end of the next day following an earlier examination of it being a day on which the Secretary of State will accept vehicles for examination;
- (b) the person who re-examines the vehicle on behalf of the Secretary of State was already at the premises at which the re-examination occurs for the purpose of carrying out an examination on another vehicle;]

[<sup>F78</sup>(c) the re-examination relates only to one or more of the following requirements specified in Schedule 2—

- (i) audible warning instruments,
- (ii) bumpers,
- (iii) cleanliness of body,
- (iv) direction indicators,
- (v) field of vision,
- (vi) fire extinguishing apparatus,
- (vii) first aid equipment,
- (viii) hazard warning signal device,
- (ix) lamps,
- (x) markings of doors,
- (xi) markings of emergency exits,
- (xii) markings of fuel tanks and carburettors,
- (xiii) mirrors,
- (xiv) rear retro reflectors,
- (xv) spare wheel carrier,
- (xvi) speed limiter and plate,
- (xvii) speedometer,
- (xviii) windscreen cleaning, and
- (xix) the specified requirements of the Community Recording Equipment Regulation.]

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[<sup>F79</sup>(8) In this Regulation “exceptional circumstances” means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts for a vehicle).]]

#### Textual Amendments

- F60** Reg. 20(1) substituted (1.8.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(b), **4(a)**
- F61** Sum in reg. 20(1)(c) substituted (1.11.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(a), **9(a)(i)**
- F62** Sum in Reg. 20(1)(e)(i) substituted (30.3.1992) by The Motor Vehicles (Tests) (Amendment) Regulations 1992 (S.I. 1992/566), regs. 1, **3**
- F63** Sum in Reg. 20(1)(e)(ii) substituted (30.3.1992) by The Motor Vehicles (Tests) (Amendment) Regulations 1992 (S.I. 1992/566), regs. 1, **3**
- F64** Sum in reg. 20(1)(f) substituted (1.11.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(a), **9(a)(ii)**
- F65** Reg. 20(2)(a) substituted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694), regs. 1, **4(2)**
- F66** Words in reg. 20(2)(b) substituted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694), regs. 1, **4(3)**
- F67** Reg. 20(2A) inserted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694), regs. 1, **4(4)**
- F68** Sums in Reg. 20(2A) substituted (30.3.1992) by The Motor Vehicles (Tests) (Amendment) Regulations 1992 (S.I. 1992/566), regs. 1, **3**
- F69** Reg. 20(3)(b) omitted (1.8.1991) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(b), **4(b)**
- F70** Reg. 20(3A) inserted (1.8.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(b), **4(c)**
- F71** Reg. 20(3A)(b)(iiA) inserted (1.11.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(a), **9(b)**
- F72** Reg. 20(4) substituted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694), regs. 1, **4(5)**
- F73** Reg. 20(4) Table substituted (30.3.1992) by The Motor Vehicles (Tests) (Amendment) Regulations 1992 (S.I. 1992/566), regs. 1, **4**
- F74** Reg. 20(5)-(5B) substituted for reg. 20(5) (30.8.1984) by The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1984 (S.I. 1984/1126), regs. 1, **4**
- F75** Words in reg. 20(5) omitted (1.11.1991) by virtue of The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991 (S.I. 1991/2229), regs. 1(1)(c), **7(a)**
- F76** Words in reg. 20(5B)(ii) substituted (31.10.1989) by The Motor Vehicles (Tests) (Amendment) (No.2) Regulations 1989 (S.I. 1989/1694), regs. 1, **4(6)**
- F77** Reg. 20(7)(a)(b) substituted (1.11.1991) by The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991 (S.I. 1991/2229), regs. 1(1)(c), **7(b)**
- F78** Reg. 20(7)(c) substituted (1.8.1991) by The Motor Vehicles (Tests) (Amendment) (No. 3) Regulations 1991 (S.I. 1991/1525), regs. 1(b), **4(d)**
- F79** Reg. 20(8) added (30.8.1984) by The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1984 (S.I. 1984/1126), regs. 1, **6**

#### Commencement Information

- I20** Reg. 20 in force at 31.12.1981, see reg. 1

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## Fees on appeals **E+W+S**

**21.**—(1) The fee payable on an appeal made in accordance with the provisions of Regulation 18 is the same amount as the fee payable under Regulation 20(1).

(2) Save as provided in paragraph (4), every fee prescribed by paragraph (1) as the fee payable on an appeal shall be paid at the same time as the appeal is made, and if that fee is not so paid the Secretary of State shall not be obliged to deal with the appeal.

(3) After the completion of the examination for the purposes of the appeal the Secretary of State may repay to the appellant, as he thinks fit, either the whole or a part of the fee paid on the appeal where it appears to him there are substantial grounds for contesting the whole or part of the decision appealed against.

(4) A fee payable on an appeal in accordance with the foregoing provisions of this Regulation shall be payable notwithstanding that the vehicle is not submitted for examination in accordance with the provisions of Regulation 18:

Provided that if the appellant has before the time fixed under Regulation 18 for the carrying out of the examination given the Secretary of State not less than two days' notice (whether in writing or otherwise) at the office of the traffic area at which his appeal was lodged or if he has been given such a notice as is specified in Regulation 18(2), at the address specified in that notice as the address to which any communication relating to the appeal is to be sent, that the appellant does not propose to submit the vehicle for examination at that time, the appeal shall be treated for the purposes of this Regulation as one in respect of which no fee is payable and any amount previously paid in respect of such a fee shall be repaid by the Secretary of State to the appellant unless another time is arranged for the carrying out of the examination.

### Commencement Information

**I21** Reg. 21 in force at 31.12.1981, see reg. 1

## PART VI **E+W+S**

### OTHER MATTERS

## Records to be kept and returns to be furnished by examiners and designated councils **E+W+S**

**22.**—(1) Examiners and designated councils shall make, in duplicate, at each of their respective vehicle testing stations a record relating to all examinations carried out at that station, and that record shall be on a form supplied by the Secretary of State and marked “VT. 12” and contain the particulars required by that form.

(2) On one of the first fourteen days of each month each authorised examiner and designated council shall send to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station at which the record is kept—

- (a) one copy of the record containing all the entries made therein relating to any examination as a result of which a test certificate or a notification of the refusal of a test certificate has been issued during the last preceding month, or
- (b) if no such certificate or notification has been issued, a notice to that effect.

(3) Subject to the following provisions of these Regulations, the other copy of the record shall be kept by the examiner or council at the station at which the examinations to which it relates are carried out for a period sufficient to ensure that upon the inspection at any time of that record under

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Regulation 24 the entries relating to any examination carried out within the last preceding eighteen months will be available for inspection.

(4) Subject to the following provisions of these Regulations, each examiner and designated council shall ensure that upon the issue by that examiner or an inspector appointed by that council of a test certificate or of a notice of the refusal of a test certificate, a copy of that certificate or notice, <sup>F80</sup> ... is made and preserved at that station for a period of not less than eighteen months.

#### Textual Amendments

**F80** Words in [reg. 22\(4\)](#) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), [regs. 1\(b\), 8\(2\)](#)

#### Commencement Information

**I22** Reg. 22 in force at 31.12.1981, see [reg. 1](#)

### Duplicate test certificates **E+W+S**

**23.**—(1) Subject to paragraph (2), if a test certificate has been lost or defaced, an application for the issue of a duplicate of the original certificate may be made—

- (a) where the original certificate did not relate to a Class VI vehicle—
  - (i) in a case where the original certificate was issued not more than eighteen months previously by an authorised examiner at a vehicle testing station specified in an authorisation of that examiner which has not ceased to have effect, to that examiner at that station;
  - (ii) in a case where the original certificate was issued by an inspector appointed by a designated council whose designation has not been revoked, to that council;
  - (iii) in a case where the original certificate was issued by an inspector appointed by the Secretary of State, to the Secretary of State at the vehicle testing station where the examination which resulted in the issue of the certificate was carried out;
  - (iv) in any other case, to the Secretary of State at the office of the traffic area in which is situated the vehicle testing station or other place at which the certificate was issued;
- (b) where the original certificate related to a Class VI vehicle, to the Secretary of State at [<sup>F81</sup>the PSV Centre], Welcombe House, 91-92 The Strand, Swansea, SA1 2DH [<sup>F82</sup>or at any goods vehicle testing station].

(2) The examiner, council or Secretary of State to whom an application is made under paragraph (1) shall search the copies of test certificates and other records in their possession and upon tracing sufficient particulars of the certificate to which the application relates to enable a duplicate to be issued and on being paid

[<sup>F83</sup>[<sup>F84</sup>(a) in the case of Class VI vehicle, a fee of [<sup>F85</sup>£9.30]; and

- (b) in any other case, a fee which is calculated as half of the relevant fee specified in regulation 20(1), provided that when that calculation would have the result of the amount payable including a fraction of a penny then the amount shall be adjusted downwards to the nearest penny;]

shall issue a duplicate marked “Duplicate” and the duplicate so issued shall have the same effect as the original test certificate:]

Provided that no such search need to be made if the original certificate was issued more than 18 months previously or if the applicant does not furnish with his application <sup>F86</sup> ... the approximate

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date of its issue, together with particulars of the registration mark of the vehicle to which the certificate relates and (in the case specified in [F87 paragraph (1)(a)(iv)]) also either the address or the identification number of the vehicle testing station at which the original certificate was issued.

#### Textual Amendments

- F81** Words in reg. 23(1)(b) substituted (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **8(a)(i)**
- F82** Words in reg. 23(1)(b) added (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **8(a)(ii)**
- F83** Words in reg. 23(2) substituted (4.7.1988) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No.2\) Regulations 1988 \(S.I. 1988/989\)](#), regs. 1, **4**
- F84** Words in reg. 23(2) substituted (1.8.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1991 \(S.I. 1991/1525\)](#), regs. 1(b), **5**
- F85** Sum in [Reg. 23\(2\)\(a\)](#) substituted (30.3.1992) by [The Motor Vehicles \(Tests\) \(Amendment\) Regulations 1992 \(S.I. 1992/566\)](#), regs. 1, **3**
- F86** Words in reg. 23(2) omitted (1.11.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **8(b)(i)**
- F87** Words in reg. 23(2) substituted (1.11.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 4\) Regulations 1991 \(S.I. 1991/2229\)](#), regs. 1(1)(c), **8(b)(ii)**

#### Commencement Information

- I23** Reg. 23 in force at 31.12.1981, see reg. 1

### Inspection of premises, apparatus and records **E+W+S**

**24.** A Ministry Inspector may at any time, during the normal working week on production if so required of his authority, enter any vehicle testing station of an examiner or council and upon such entry he shall be entitled to—

- (a) inspect the station and the apparatus provided at the station for the purpose of carrying out examinations and watch any examination which may be taking place including any part of the examination which is carried out on a road or elsewhere than at the station,
- (b) satisfy himself as to the efficiency of such apparatus and, in the case of apparatus designed to give an indication of a measurement, to require evidence to be furnished to him that it will do so accurately within reasonable limits,
- (c) inspect all records and copies of test certificates [F88 and] notifications of the refusal of test certificates F89... which are required to be kept or preserved at that station in accordance with Regulation 22, and
- (d) be furnished with such information as he may reasonably require with respect to any of the said matters.

#### Textual Amendments

- F88** Word in reg. 24(c) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(3)(a)**
- F89** Words in reg. 24(c) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(3)(b)**

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#### Commencement Information

**I24** Reg. 24 in force at 31.12.1981, see reg. 1

#### Forms **E+W+S**

**25.**—(1) The Secretary of State may prepare and supply for use for the purposes of these Regulations any form which by these Regulations is required to be approved by him or which is required for use as a test certificate [<sup>F90</sup>or] a notice of the refusal of a test certificate, <sup>F91</sup>... or for the purposes of constituting the record required to be kept under Regulation 22, and may include on any such form such additional matter as he may consider to be of assistance to persons making use of these forms or to persons to whom such forms may be issued when completed and no form other than one so prepared and supplied shall be used in any such case.

(2) The Secretary of State may make a charge at the rate of [<sup>F92</sup>£44.50] for the supply of 100 forms of test certificate supplied for use for the purposes of these Regulations.

#### Textual Amendments

**F90** Word in reg. 25(1) inserted (18.3.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(4)(a)**

**F91** Words in reg. 25(1) omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **8(4)(b)**

**F92** Sum in reg. 25(2) substituted (1.8.1991) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 3\) Regulations 1991 \(S.I. 1991/1525\)](#), regs. 1(b), **6**

#### Commencement Information

**I25** Reg. 25 in force at 31.12.1981, see reg. 1

#### Notices **E+W+S**

**26.** Except as otherwise provided in these Regulations, every notice under these Regulations shall be—

- (a) in writing, and
- (b) if given by the Secretary of State to an examiner by post, addressed to the examiner at the registered office of the examiner if the examiner is a company and at the place specified in the authorisation of the examiner as his principal place of business in any other case.

#### Commencement Information

**I26** Reg. 26 in force at 31.12.1981, see reg. 1

#### Computation of time **E+W+S**

**27.** No period of time prescribed in these Regulations shall include any day which is [<sup>F93</sup>a Saturday, Sunday, Good Friday, Christmas Day or] a bank holiday under the Banking and Financial Dealings Act 1971.

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**Textual Amendments**

**F93** Words in [reg. 27](#) inserted (1.11.1983) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1983 \(S.I. 1983/1434\)](#), regs. 1, 5

**Commencement Information**

**I27** Reg. 27 in force at 31.12.1981, see reg. 1

[<sup>F94</sup>**Certificates of temporary exemption** **E+W+S**

**28.**—(1) A public service vehicle in respect of which a certificate complying with the provisions specified in paragraph (2) below has been issued in the circumstances specified in paragraph (3) below is exempt from the provisions of section 44(1) of the Road Traffic Act 1972 until that certificate expires.

(2) Those provisions are that the certificate—

(a) is in a form approved by the Secretary of State which shall contain—

(i) the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chasis or serial number marked on the vehicle,

(ii) the date on which the certificate is issued, and

(iii) the period during which the vehicle is exempted from the provisions of section 44(1) of the Road Traffic Act 1972; and

(b) is signed by a person authorised in that behalf by the Secretary of State.

(3) The circumstances mentioned in paragraph (1) above are an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).

(4) No certificate <sup>F95</sup>... issued by virtue of this Regulation shall be valid for more than 3 months.]

**Textual Amendments**

**F94** Reg. 28 added (1.1.1983) by [The Motor Vehicles \(Tests\) Amendment \(No. 4\) Regulations 1982 \(S.I. 1982/1715\)](#), regs. 1, 2

**F95** Words in [reg. 28\(4\)](#) omitted (1.11.1983) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 2\) Regulations 1983 \(S.I. 1983/1434\)](#), regs. 1, 6

*David Howell*  
Secretary of State for Transport

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## SCHEDULE 1 **E+W+S**

SIGN TO BE DISPLAYED BY AUTHORISED EXAMINERS (see Regulation 9)

### PART I **E+W+S**

Diagram showing Size, Colour and Type of Sign to be Displayed by Authorised Examiners

#### Commencement Information

**I28** Sch. 1 Pt. I in force at 31.12.1981, see [reg. 1](#)

All dimensions are in millimetres

### PART II **E+W+S**

Conditions as to Erection of Sign shown in Part I of this Schedule

1. The sign shall be securely fixed against a wall of the vehicle testing station.

#### Commencement Information

**I29** Sch. 1 para. 1 in force at 31.12.1981, see [reg. 1](#)

2. The sign shall be so exhibited that no part thereof is above the fascia level of the vehicle testing station or above fifteen feet from the ground, whichever is the lower.

#### Commencement Information

**I30** Sch. 1 para. 2 in force at 31.12.1981, see [reg. 1](#)

3. Not more than one sign shall be displayed on each road frontage.

#### Commencement Information

**I31** Sch. 1 para. 3 in force at 31.12.1981, see [reg. 1](#)

## <sup>F96</sup>SCHEDULE 2 **E+W+S**

#### Textual Amendments

**F96** Sch. 2 substituted (1.1.1992) by The Motor Vehicles (Tests) (Amendment) (No. 4) Regulations 1991 (S.I. 1991/2229), reg. 1(1)(c), [Sch. 1](#)



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## THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASSES I AND II **E+W+S**

- (a) (a) The requirements contained in the following provisions of the Construction and Use Regulations:—

Item No.	Regulations	Affecting
1	16 and 18	Braking
2	24, 26, 27 and 100(1) (insofar as it relates to the condition of the road wheels)	Wheels and Tyres
3	29	Steering
4	37	Audible Warning Instrument
5	54, 57 and 100(1) (insofar as it relates to the condition of the pipings, attachment brackets and mounting of the exhaust system)	Exhaust
6	100(1) (insofar as it relates to the condition of the vehicle structure, the chassis, frame and any subframe or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering or braking of the vehicle)	Structure and Suspension

- (b) The requirements contained in the following provisions of the Lighting Regulations:—

Item No.	Regulations	Affecting
7	18 and 23	Front Position Lamp
8	18 and 23	Dipped Beam Headlamp
9	18 and 23	Main Beam Headlamp
10	18 and 23	Rear Position Lamp
11	18 and 23	Rear Retro Reflector
12	18 and 23	Stop Lamp
13	18 and 23	Direction Indicator

## THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASS III **E+W+S**

- (a) (a) The requirements specified in items 2, 3, 4 and 7 to 13 in paragraph 1 above.

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- (b) The requirements contained in the following provisions of the Construction and Use Regulations:—

Item No.	Regulations	Affecting
14	15, 16 and 18	Braking
15	22 and 100(1) (insofar as it relates to the condition of the vehicle structure, the chassis, frame and any subframe or any mounting or connection or part of the suspension, to the extent that such condition may prejudice the steering, braking or seat belt mountings of the vehicle)	Structure and Suspension
16	34	Windscreen Cleaning
17	46, 47 and 48	Seat Belts and Anchorages
18	54 and 100(1) (insofar as it relates to the condition of the pipings, attachment brackets and mounting of the exhaust system)	Exhaust

#### THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASS IV **E** **+W+S**

- (a) (a) The requirements specified in items [<sup>F97</sup>2, 3, 4] and 7 to 18 in paragraphs 1 and 2 above.
- (b) The requirements contained in the following provision of the Construction and Use Regulations:—

Item No.	Regulations	Affecting
19	61	Emissions

#### Textual Amendments

**F97** Words in Sch. 2 para. 3(a) substituted (1.1.1992) by The Motor Vehicles (Tests) (Amendment)(No. 5) Regulations 1991 (S.I. 1991/2791), regs. 1, 2(2)(a)

#### THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASS V **E** **+W+S**

- (a) (a) The requirements specified in items 2, 3, 4, 7 to 13 and 15 to 19 in [<sup>F98</sup>paragraphs 1, 2 and 3] above.
- (b) The requirements contained in the following provisions of the Construction and Use Regulations:—

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Item No.	Regulations	Affecting
20	15, 16, 17 and 18	Braking
[ <sup>F99</sup> 20A]	[ <sup>F99</sup> 25]	[ <sup>F99</sup> Tyre Load and Speed Ratings]
21	30, 31 and 32	Glass and Field of Vision
22	33	Mirrors
23	35 and 36	Speedometer
24	36A and 70A	Speed Limiter
25	39 and 100(1) (insofar as it relates to the security and condition of the fuel system components or, as the case may be, their maintenance so that no danger is likely to be caused)	Fuel Tanks and Pipes
26	100(1) (insofar as it relates to the question whether the particulars opposite are fitted or, as the case may be, maintained so that no danger is likely to be caused)	Seats, driving controls, body, doors and other openings

(c) The requirements contained in the following provisions of the Lighting Regulations:—

Item No.	Regulations	Affecting
27	18 and 23	Rear Registration Plate Lamp
28	18 and 23	Rear Fog Lamp
29	18 and 23	Hazard Warning Signal Device

#### Textual Amendments

- F98** Words in Sch. 2 para. 4(a) substituted (1.1.1992) by [The Motor Vehicles \(Tests\) \(Amendment\)\(No. 5\) Regulations 1991 \(S.I. 1991/2791\)](#), regs. 1, **2(2)(b)**
- F99** Sch. 2 para. 4(b) item 20A inserted (1.1.1992) by [The Motor Vehicles \(Tests\) \(Amendment\)\(No. 5\) Regulations 1991 \(S.I. 1991/2791\)](#), regs. 1, **2(2)(c)**

## THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASS VI E

+W+S

- (a) (a) The requirements specified in items 2, 3, 4, 7 to 13, 15 to 26, 28 and 29 in paragraphs 1 to 4 above.

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- (b) The requirements contained in the following provisions of the Construction and Use Regulations:—

Item No.	Regulations	Affecting
F100	F100	F100
...	...	...
31	60	Radio Interference Suppression
32	62	Closets, etc
33	100(1) (insofar as it relates to the question whether the particulars opposite are fitted or, as the case may be, maintained so that no danger is likely to be caused)	Spare wheel carrier, means of coupling trailers, chassis, wiring, engine mounting, transmission, battery, shock absorbers, bumpers, doors, seats, driving controls, windows and mirrors
34	109	Television sets

- (c) For those vehicles certified in accordance with the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981, the requirements contained in the following provisions of those Regulations:—

Item No.	Regulations	Affecting
35	8	Guard Rail
36	13	Fuel Tanks, Carburettors, etc
37	14	Exhaust Pipe
38	15	Luggage Racks
39	16	Artificial Lighting
40	17	Electrical Equipment
41	18	Body
42	20	Steps, Platforms and Stairs
43	21	Number, Position and Size of Entrances and Exits
44	22	Width of Exits and Entrances
45	23	Doors
46	24	Marking, Positioning and Operation of Emergency Exits
47	25	Access to Exits
48	28	Seats
49	29	Passenger Protection

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Item No.	Regulations	Affecting
50	30	Ventilation
51	31	Driver's Accommodation
52	32	Windscreens
53	33	Passengers' Communication with Driver
54	34	General Construction
55	35	Fire Extinguishing Apparatus
56	36	First Aid Equipment
57	38	Obstruction of Driver
58	39	Body Maintenance
59	44	Carriage of Inflammable or Dangerous Substances

- (d) For minibuses of a type mentioned in regulation 41 of the Construction and Use Regulations, the following requirements specified in Schedules 6 and 7 to those Regulations:—

Item No.	(Schedule 6)	Affecting
60	1	Exhaust Pipes
61	2	Doors
62	3	Emergency Doors
63	4	Power-operated Doors
64	5	Locks, Handles and Hinges of Doors
65	6	View of Doors
66	7	Access to Doors
67	8	Grab Handles and Hand Rails
68	9	Seats
69	10	Electrical Equipment and Wiring
70	11	Fuel Tanks
71	12	Lighting of Steps
72	13	General Construction and Maintenance

Item No.	(Schedule 7)	Affecting
73	I	Fire Extinguishing Apparatus

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Item No.	(Schedule 7)	Affecting
74	II	First Aid Equipment

(e) The requirements contained in the following provisions of the Lighting Regulations:—

Item No.	Regulations	Affecting
75	18 and 23	End Outline Marker Lamp

(f) The requirements of the Community Recording Equipment Regulation insofar as they relate to the installation of recording equipment and the seals to be affixed to such equipment.

**Textual Amendments**

**F100** Words in Sch. 2 para. 5(b) omitted (1.1.1992) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 5\) Regulations 1991 \(S.I. 1991/2791\)](#), regs. 1, **2(2)(d)**

**THE PRESCRIBED STATUTORY REQUIREMENTS FOR VEHICLES IN CLASS VII E  
+W+S**

6. The requirements specified in items 2, 3, 4, 7 to 13, 15 to 19, 20 and <sup>F101</sup>[20A] in <sup>F101</sup>[paragraphs 1 to 4] above.]

**Textual Amendments**

**F101** Words in Sch. 2 para. 6 substituted (1.1.1992) by [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 5\) Regulations 1991 \(S.I. 1991/2791\)](#), regs. 1, **2(2)(e)**

<sup>F102</sup>SCHEDULE 3 E+W+S

**Textual Amendments**

**F102** Sch. 3 omitted (18.3.1991) by virtue of [The Motor Vehicles \(Tests\) \(Amendment\) \(No. 1\) Regulations 1991 \(S.I. 1991/253\)](#), regs. 1(b), **12**

SCHEDULE 4 E+W+S

REGULATIONS REVOKED BY REGULATION 2

**Commencement Information**

**I32** [Sch. 4](#) in force at 31.12.1981, see [reg. 1](#)

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<i>Title</i>	<i>Year and Number</i>
The Motor Vehicles (Tests) Regulations 1976	S.I. 1976/1977
The Motor Vehicles (Tests) (Amendment) Regulations 1976	S.I. 1976/2155
The Motor Vehicles (Tests) (Amendment) Regulations 1978	S.I. 1978/1574
The Motor Vehicles (Tests) (Amendment) Regulations 1979	S.I. 1979/439
The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 1979	S.I. 1979/1215
The Motor Vehicles (Tests) (Amendment) Regulations 1980	S.I. 1980/616
The Motor Vehicles (Tests) (Amendment) Regulations 1981	S.I. 1981/951

## EXPLANATORY NOTE

1. These Regulations re-enact, with revisions and extensions, the provisions of the Motor Vehicle (Tests) Regulations 1976. The 1976 regulations are repealed, together with the other amending regulations mentioned in Schedule 4 to these regulations.

2. The principal changes now made are—

- (a) The regulations apply to public service vehicles, most of which are classified as Class VI. An application for an examination of a Class VI vehicle is to be made to the Secretary of State at the Goods Vehicle Centre (PSV Section), Swansea, and the appropriate fee is to accompany the application. An application for a re-examination of a Class VI vehicle, following an examination at which it was found that some or all of the statutory requirements were not complied with, is to be made to the Secretary of State at a goods vehicle testing station or a traffic area office. The prescribed statutory requirements in relation to Class VI vehicles include a number of requirements not specified in relation to vehicles in other classes. These are set out in Schedule 2.
- (b) Vehicles in respect of which a test certificate issued in accordance with article 34 of the Road Traffic (Northern Ireland) Order 1981 is in force are exempted from Section 44 of the 1972 Act.
- (c) The vehicle registration book must be produced, if the examiner so requests, when a vehicle is submitted for examination; if no such document has been issued in respect of the vehicle, other evidence must be produced of the date of manufacture or first use and the chassis or identification number.
- (d) Any signature on a test certificate, or notice of refusal of a test certificate, signed on behalf of an authorised examiner or designated council, shall be accompanied by an embossment by a stamp of the examiner or council on whose behalf the certificate or notice is signed.
- (e) After an examination of a Class III, IV, V or VI vehicle is completed, the examiner (or inspector appointed by a designated council or the Secretary of State) shall in all cases issue an inspection check list on a form approved by the Secretary of State, in addition to the test certificate, or notice of refusal of a test certificate.

3. The prescribed fees for testing are—

Motor cycle not having a side-car attached to it, £4.26 (unchanged);

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Class VI vehicle constructed or adapted to carry more than 12 passengers, £29;

Class VI vehicle not constructed or adapted to carry more than 12 passengers, £20;

Any other vehicle, £7.10 (unchanged).

These fees are reduced in certain cases as provided in Regulation 20(3) for vehicles not in Class VI and in Regulation 20(4) for vehicles in Class VI. Regulation 21 prescribes fees on appeals.



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